

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK**

NOTICE TO ATTORNEYS

EFFECTIVE NOVEMBER 25, 1996

In response to the Bar Associations's interest in expanding the role of telephonic pre-trial conferences in the Adversary Proceedings process and eliminating the need for such conferences where negotiations indicate that it is likely that an action will be settled without the need for a trial, the Court's Pre-Trial Notice (sample attached) has been redrafted to incorporate language that will give these attorneys the following two additional options.

1. Telephonic Pre-trial Conferences: This election allows attorneys who have had meaningful discussions in an attempt to narrow the issues involved and settle an action the option to have the pre-trial conference conducted by telephone. A written request for a telephonic pre-trial conference may be made by the Plaintiff's attorney. After the request is made and reviewed, the Court will determine whether to grant the request and will notify the attorneys.

2. Waiver of Pre-Trial Conference: This elections allows attorneys who feel that based upon their negotiations the action will ultimately settle without the need for the Court to conduct a trial, the option to have the action immediately set down on one of the Court's next two Trial Calendars. However, if the attorneys elect to have an action set down on the Trial Calendar without a pre-trial conference being conducted, and the action does not settle before the Calendar call, no adjournments will be granted. The attorneys must appear at the Trial Calendar at which time a date certain for trial will be set. Out of town attorneys, however, will still be allowed to provide the Court and opposing counsel in advance with available trial dates, and thus have their appearance waived.

The two new options can only be elected by the Plaintiff's attorney completing the Pre-Trial Option form and returning it to the Court within 14 days of the date of the pre-trial notice. The Plaintiff's attorney must sign the form certifying that the Defendant's attorney has agreed to the option elected and also serve a completed form upon that attorney.

The Court is confident that this new practice will allow members of the Bar to further implement their commitment to the economical, efficient and cost-effective handling of these actions.

Should you have any questions regarding this notice, you are invited to call the Clerk's Office at (585) 263-3148.

DATED: November 20, 1996

**PAUL R. WARREN,
Clerk of Court
U.S. Bankruptcy Court
1220 U.S. Courthouse
Rochester, New York 14614**